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Kenneth F. Carpenter

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EXAMINER

HUYNH, SON P

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/733,727	Applicant(s) CARPENTER ET AL.	
	Examiner SON P. HUYNH	Art Unit 2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 55,57,58,60,61 and 63-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 55,57,58,60,61 and 63-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/23/2009 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 55, 57-58, 60-61, 63-66 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues according to Schneidewend, a favorites list may include "(a) predetermined user preferences or (b) records of the most frequently used services." Thus, in Schneidewend, the favorite list can include user preferred content...Schneidewend's favorite list is not the same as a history list that includes each accessed resource when it is accessed a single time. The act of accessing an item a

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single time in the Schneidewend system would not cause it to be added to a favorites list (page 9). This argument is respectfully traversed.

It is noted that new added limitation "accessing the program guide display a single time" or "accessing the web site a single time" or "accessing the resource a single time" in claims 55, 58, 61, or "accessing ...each time..." in new claims 64-66 are not support by the original specification. The original specification, paragraph 0132, describes "history display 2600 may include a list of recently accessed resources." However, the specification does not mention whether the "recently accessed resources" included in history list is accessed "single time", "each time" or any predetermined number of times.

In addition, according to Merriam-Webster's online dictionary, definition of "preference" includes: "*1 a: the act of preferring : the state of being preferred b: the power or opportunity of choosing*

2: one that is preferred

3: the act, fact, or principle of giving advantages to some over others

4: priority in the right to demand and receive satisfaction of an obligation"

definition of "access" includes: "*freedom or ability to obtain or make use of something c: a way or means of access d: the act or an instance of accessing.*"

Thus, "predetermined user preferences" in Schneidewend does not only include "user preferred content" as Applicant's argument. Instead, "preference" could include, user prefers viewer's activity to be collected -See, for example, Aras et al. (US 5, 872,588, col. 22, lines 45-57), or user preference that viewer's activity is collected each

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time or every time a service is accessed, instead of viewer's activity is collected only when viewing time reach a threshold.

Therefore, displayed favorite service menu comprise automatically generated list user derived using predetermined user preferences could include using viewing history.

Furthermore, Schneidewend also discloses user creation and manipulation of service lists by pressing key 890 a second time results in a selected service on program guide being added to a favorite service list; or a select key is used to select a highlighted service in a particular favorite service list...(col. 7, lines 8-48); or displayed favorite service menus may comprise automatically generated lists of specific user derived using (a) predetermined user preferred preferences... (col. 5, line 62-col. 6, line 10). Thus, the limitation of "accessing the program guide display a single time..." or "accessing the web site a single time" or "accessing the resource a single time" is interpreted as the time that accessing program guide display, web site, or resource for viewing or for adding program guide display, web site, or resource on program guide or most frequently used services to favorite list (ability to make use of service such as program guide display, web site, or resource on program guide menu) or interpreted as the time the a program guide display, or a web site, or a resource is accessed that causes the service to be added into most frequently used services.

Applicant argues claim 55 does not require user instruction to add a resource to a history list (page 10, paragraph 1). This argument is respectfully traversed.

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Claim 55 recites "accessing the program guide display a single time in response to the first indication causes the program guide display to be included in the history list," the claim 55, does not recite "user instruction(s) is/are not required to add a resource to history list."

For the reasons given above, rejections on claims 55, 57-58, 60-61, 63-66 are analyzed as follow.

Claims 1-54, 56, 59, 62 have been canceled.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 55, 57-58, 60-61, 63-66 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Claims 55, 58, 61, 64-66 contains subject matter of "accessing the program guide display a single time" or "accessing the web site a single time" or "accessing the resource a single time" (55, 58, 61), or "accessing ... each time..." (claims 64-66) which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention

The original specification, paragraph 0132, describes "history display 2600 may include a list of recently accessed resources." However, the specification does not support the "recently accessed resources" included in history list is accessed "single time" and/or "each time" as recited in the claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 55, 57-58, 60-61, 63-66 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneidewend et al. (US 6,182,287).

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Regarding claim 55, Schneidewend discloses a method for providing a history feature in an interactive television program guide (providing favorite feature based on user previously selections in an interactive television program guide – see include, but are not limited to, figures 3-8), wherein the interactive television program guide is implemented at least in part on user television equipment (interactive program guide is implemented at least in part on user receiver (figures 2-4), comprising:

displaying an interactive television program guide comprising a plurality of resources including at least a program guide display having data from a program guide database and a web site from the Internet (see include, but are not limited to, figures 2-3, col. 4, line 55-col. 6, line 46, wherein the database is interpreted as database that stores program guide display including program title, channel, etc. and website from internet is read on the Web PG or web site associated with INET);

receiving a first indication to access the program guide display having data from the program guide database (interpreted as receiving indication of selection a title/channel in program guide menu or in most frequently used services to watch, to record or receiving information to add a program/channel, etc. into favorite list - see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

receiving a second indication to access the web site from the Internet (interpreted as receiving indication of selection a web site in program guide menu or in most frequently used web sites list or receiving information to add a website into favorite list -

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see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

receiving a third indication to access a resource other than the accessed program guide display or the accessed web site (interpreted as receiving indication of selection a resource such as DVD, local server, etc. in program guide menu or in most frequently used resources list or receiving information to add a a source such as DVD, local server, or phone, etc. into favorite list - see include, but are not limited to, figures 3-4, col. 4, lines 55-65, col. 5, line 63-col. 6, line 55, col. 8, lines 20-39);

in response to receiving a fourth indication (e.g., in response to receiving indication to display a favorite list - figures 3-4), providing a history list of the plurality of resources that includes each of: (i) the program guide display having data from the program guide database, wherein accessing the program guide display a single time in response to the first indication causes the program guide display to be included in the history list (in response to first indication of a time of accessing a title/channel that cause the title/channel to be determined as "most frequently used services" and to be included in the favorite list or the time of adding the program title/channel, cause the program title/channel (e.g., item 2) to be included in the favorite list – see figures 3-8 and discussion in “response to arguments” above),

(ii) the web site from the Internet (e.g., items 7,9), wherein accessing the web site a single time in response to the second indication that cause the web site to be included in the history list (in response to second indication of a time accessing a web site that cause the web site to be determined as "most frequently used services" and include in

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the favorite list or the time of adding a web site, cause the web site to be included in the favorite list -see figures 3-4, and discussion in "response to arguments" above),

and (iii) the resource (e.g., item 10, item 5) other than the accessed program guide display or the accessed web site, wherein accessing the resource a single time in response to the third indication causes the resource to be included in the history list (see figures 3-4 and discussion corresponding to program guide listing or web site above);

allowing a user to select in any order resource from the history list (see include, but are not limited to, col. 5, lines 2-8, figures 3-4); and

in response to the user selecting a resource, providing the resource (in response to user selecting a resource such as a channel, DVD, local source, or web site, etc., providing the resource - see include, but are not limited to, figures 3-8, col. 6, line 47-col. 7, line 7).

Regarding claim 57, Schneidewend discloses the method as discussed in the rejection of claim 55. Schneidewend further discloses receiving the first and second indications comprises receiving the indications from a supported application or a user input device (receiving user selection to access sources or to add sources into favorite list using user input device - see include, but are not limited to, figures 2, 6, col. 3, line 61-col. 4, line 8, col. 4, lines 55-67, col. 7, lines 7-24).

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Regarding claim 64, Schneidewend discloses the method as discussed in the rejection of claim 55. The limitations that correspond to the limitations of claim 55 are analyzed as discussed in the rejection of claim 55, wherein "each time" is interpreted as each time the title/channel, or each time the web site, or each time a resource is accessed to make to title/channel, web site, or resource to be considered "most frequently used services" and to be included in favorite list or interpreted as each time the title/channel, the web site, or the resource is accessed for adding into favorite list (see discussion in the rejection of claim 55 and discussion in "response to arguments" above).

Regarding claims 58, 60, and 65, the limitations of interactive television program guide system correspond to the limitations of the method of claims 55, 57, and 64, and are analyzed as discussed with respect to the rejection of claims 55, 57 and 64, wherein "means for displaying" is read on the television screen or user interface, "means for receiving" is interpreted as user input receiver for receiving user selection; "means for providing..." is interpreted as decoder and/or processor and/or display for displaying favorite list (see include, but are not limited to, figures 2-4).

Regarding claims 61, 63 and 66, the limitations of interactive program guide system that correspond to the limitations of the method claims 55, 57, and 64 are analyzed as discussed in the rejection of claims 55, 57 and 64.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 55, 57-58, 60-61, 63-66 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (US 6,177,931) in view of Aras et al. (US 5,872,588).

Regarding claim 55, Alexander discloses a method for providing a history feature (e.g., last channel/program previously selected – see include, but not limited to, figure 1) in an interactive television program guide, wherein the interactive television program guide is implemented at least in part on user television equipment (interactive program guide is implemented at least in part on user receiver (col.3, lines 1-35), comprising:

displaying an interactive television program guide comprising a plurality of resources including at least a program guide display having data from a program guide database and a web site from the Internet (see include, but not limited to, figures 1-6, col. 5, lines 5-58, col. 8, lines 18-64);

receiving a first indication to access the program guide display having data from the program guide database (interpreted as receiving indication of selection a title or channel in program guide menu for watching and/or recording, or indication of channel

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change, etc. - see include, but not limited to, figures 1-6, col. 7, line 57-col. 8, line 17, col. 28, lines 30-52);

receiving a second indication to access the web site from the Internet (see include, but not limited to, figures 1-6, col. 8, lines 38-64, col. 17, line 48-col. 19, line 12, col. 28, lines 60-67);

receiving a third indication to access a resource other than the accessed program guide display or the accessed web site (e.g., receiving indication to access advertisement – see include, but not limited to, figures 1-6, col. 28, lines 30-67);

Alexander further discloses providing a list of plurality of resource that includes each of:

(i) the program guide display having data from program guide data based (see include, but not limited to, figures 1-6), wherein accessing the program guide display a single time in response to the first indication causes the program guide display to be included in the history list (interpreted as accessing the program guide display a single time (e.g., select a title/channel for recording, viewing, or channel change, etc.) in response to the first indication causes the program guide display to be recorded in the "viewer preference" or viewer profile information- see include, but are not limited to, col. 28, line 30-col. 30, line 44),

(ii) the web site from the Internet (see include, but not limited to, figures 1-6), wherein accessing the web site a single time in response to the first indication causes the program guide display to be included in the history list (interpreted as accessing the web site a single time (e.g., select a web site to view further information, or to go to chat

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room, etc.) in response to the second indication causes the web site to be recorded in the "viewer preference" or viewer profile information- see include, but are not limited to, col. 28, line 30-col. 30, line 44),

(iii) the resource other than the accessed program guide displayed or the accessed web site (e.g., advertisement – see include, but not limited to, figures 1-6), wherein accessing the resource a single time in response to the third indication causes the resource to be included in the history list (interpreted as accessing the advertisement a single time (e.g., select an advertisement for viewing) in response to the third indication causes the advertisement to be recorded in the "viewer preference" or viewer profile information- see include, but are not limited to, col. 28, line 30-col. 30, line 44);

allowing a user to select in any order any resource from the history list (interpreted as allowing user to select, for example, last channel displayed on the top of the list or book marked- see include, but not limited to, figures 1-6, col. 30, lines 45-col. 31, line 61, col. 16, lines 51-64); and

in response to the user selection a resource, providing the resource (in response to user selection of last channel, book marked, etc., providing the last channel, book mark, etc. see include, but not limited to, figures 1-6, col. 30, lines 45-col. 31, line 61, col. 16, lines 51-64).

Alexander does not explicitly disclose in response to receiving a fourth indication, providing a list of the plurality of resources.

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Aras discloses collecting accessing of audio-visual materials (AVMs) each time AVMs is accessed, wherein AVMs may consist of, but are not limited to, KOD, GOD, MOD, VOD, TV program on demand (TOD) TV programs provided by one or more of the networks, commercials, local or community TV programs, etc. (col. 6, lines 31-54, col. 7, lines 16-31, col. 14, lines 13-24). Aras further discloses the viewer may review what AVMs were presented on the home station and their associated cost (see include, but not limited to, col. 22, lines 45-52, col. 23, line 55-col. 24, line 26). Thus, Aras discloses in response to receiving an indication, providing a history list of the plurality of resources (in response to user selection to review what AVIs were presented on the home stations and their associated cost, providing a history list of plurality of AVMs that were presented to the home station. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Alexander with the teaching of in response to user receiving indication, providing a history list of the plurality of resources as taught by Aras in order to yield predictable results such as allowing parents who can review the viewing habits of their children (see col. 24, lines 1-26).

Regarding claim 57, Alexander in view of Aras discloses the method as discussed in the rejection of claim 55. Alexander further discloses receiving the first and second indications comprises receiving the indications from a supported application or a user input device (see include, but not limited to, figure 2, col. 3, line 21-col. 5, line 20, col. 28, lines 30-67).

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Regarding claim 64, Alexander in view of Aras discloses the method as discussed in the rejection of claim 55. The limitations that correspond to the limitations of claim 55 are analyzed as discussed in the rejection of claim 55, wherein "each time" is interpreted as every time the title/channel, or each time the web site, or each time a resource is accessed to cause the title/channel, web site, advertisement, etc. to be included/recorded in viewer preference or user profile information (see include, but are not limited to, Alexander: col. 28, line 30-col. 29, line 67; Aras: col. 7, lines 5-29, col. 9, lines 1-10, col. 14, lines 7-24).

Regarding claims 58, 60, and 65, the limitations of interactive television program guide system correspond to the limitations of the method of claims 55, 57, and 64, and are analyzed as discussed with respect to the rejection of claims 55, 57 and 64, wherein "means for displaying" is read on the television screen or user interface, "means for receiving" is interpreted as user input receiver for receiving user selection; "means for providing..." is interpreted as decoder and/or processor and/or display for displaying favorite list (see include, but are not limited to, Alexander: figures 1-6, col. 3, lines 1-55).

Regarding claims 61, 63 and 66, the limitations of interactive program guide system that correspond to the limitations of the method claims 55, 57, and 64 are analyzed as discussed in the rejection of claims 55, 57 and 64.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Leung et al. (US 2002/0095673 A1) discloses apparatus and method for parental control using V chip plus+ and master password.

Florin et al. (US 5,583,560) discloses method and apparatus for audio visual interface for the selective display of listing information of a display.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

May 9, 2009